

Neil N. Bernstein

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EDUCATION:

Yale Law School, LL.B. 1957, Cum Laude and Order of the Coif; co-recipient, Edward D. Robbins Prize (highest third-year grades) 1957; Yale Law Journal. Class standing: Third in class of 142.

University of Michigan, B.A. 1954, High Distinction and Honors in Political Science; William Jennings Bryan Prize (top political science major) 1954; Phi Beta Kappa.

EMPLOYMENT HISTORY:

Professor of Law Emeritus, Washington University since July 1, 2005

Professor of Law, Washington University, St. Louis, Missouri, 1971-2005.

Partner, Reichman & Bernstein, St. Louis, Missouri, (May 1986-April 1987) (on leave from Washington University).

Of Counsel, Bryan, Cave, McPheeters & McRoberts, St. Louis, Missouri (January 1985 to April 1986) (on leave from Washington University).

Of Counsel, Spoehrer and Lemkemeier, St. Louis, Missouri (1983-84) (on leave from Washington University).

Senior Antitrust Attorney, Office of Missouri Attorney General John Danforth, Jefferson City, Missouri 1974-75 (on leave from Washington University).

General Counsel, Missouri Division of Insurance, Jefferson City, Missouri, 1973-74 (on leave from Washington University).

Associate Professor of Law, Washington University, St. Louis, Missouri, 1967-71.

Attorney, American Telephone and Telegraph Company, 195 Broadway, New York, 1961-67.

Visiting Assistant Professor of Law, Washington University, St. Louis, Missouri, 1960-61.

EMPLOYMENT HISTORY: (continued)

Associate, Fischer, Willis & Panzer, 1735 DeSales Street, N.W., Washington, D.C., 1958-60.

Motions Clerk, U.S. Court of Appeals for the District of Columbia Circuit, Washington, D.C., 1957-58.

OTHER:

Fullbright Senior Specialist Candidate, 2003-

Member, Board of Directors, Gateway Insurance Co., St. Louis, Missouri, 1995-2000.

Member, City of Clayton, Ward Redistricting Commission, 1996 and 2001.

Labor Arbitrator since 1967. On labor, commercial and Multi-employer Pension Plan Amendments Act panels of American Arbitration Association, and labor panels of National Mediation Board, Federal Mediation and Conciliation Service, Iowa Public Employment Relations Board, Nebraska Commission of Industrial Relations and U.S. Postal Service. Member, National Academy of Arbitrators.

Certified as a neutral under the Alternative Dispute Resolution Procedure of the United States District Court for the Eastern District of Missouri.

Securities Arbitrator since 1994 for American Arbitration Association and National Association of Securities Dealers.

Arbitrator and Mediator, Manville Personal Injury Settlement Trust, UNR Asbestos Disease Claims Trust, Eagle- Picher Personal Injury Settlement Trust, National Arbitration Forum. Member, Association of Attorney-Mediators (1995).

Prudential Insurance Appeals Committee Reviewer, 1999.

Visiting Professor of Law:

Marshall-Wythe School of Law, College of William and Mary, Williamsburg, Virginia, 1982-83.

University of Michigan School of Law, Ann Arbor, Michigan, summer of 1972.

The National Law Center, George Washington University, Washington, D.C., summer 1968.

ADMITTED TO PRACTICE:

Wyoming, 1957; District of Columbia, 1957; New York, 1962; Missouri, 1973.

WRITINGS:

Article, "The Supreme Court and Secondary Source Material: 1965 Term", 57 Georgetown L.J. 55 (1968).

Article, "The FCC Proceedings -- Another View," Public Utilities Fortnightly, March 27, 1969, page 28.

Article, "Utility Rate Regulation: The Little Locomotive That Couldn't," 1970 Washington U. Law Quarterly 223 (1970).

1981 Supplement, J. Appleman, Insurance Law and Practice.

Monograph, "Agents, Brokers and Agreements to Procure Insurance", Chapter 14 of Insuring Real Property (Matthew Bender 1989).

Article, "Weingarten: Time for Reconsideration" 6 The Labor Lawyer 1005 (1990).

Monograph, "Bargaining Unit Disputes", Chapter 44 of Labor and Employment Arbitration (Matthew Bender, 1994).[Chap. 24 in Second Edition].

Monograph, "Emerging Issues in Homeowners Policies: Sex, Drugs and Madness", Tab 23 in Insurance Coverage Litigation Committee Annual Committee CLE Midyear Meeting (ABA 1995).

Monograph, "Regulation of Life Insurer Market Conduct: Experience in Four Countries", Chapter 8 in Alternative Approaches to Insurance Regulation (NAIC 1998)(with James L. Little).

Article, "The 'Reasonable Belief' Exclusion in the ISO Standard Auto Form: An On-Line Chat", Occurrences, Issue 11, page 6 (1996)(with Robert H. Jerry, II).

Monograph, "The Insurance Laws of the United States", Vol. 3 International Encyclopaedia of Insurance Laws (Kluwer 2003)

Monograph, "Norris-LaGuardia Act", Vol. 3 Major Acts of Congress (MacMillan 2003)

Monograph, "The Influence of the Norris-LaGuardia Act on the Right of United States' Unions to Strike" prepared for presentation of the World Congress of the International Labor Law Society (2003).

MISCELLANEOUS WRITINGS:

"Union Duty of Fair Representation: Resurrecting Smith v. Hussman", The National Law Journal, July 29, 1985 p.24.

Commentary, "The new plant closing law is complex, confusing", St. Louis Business Journal August 22, 1988 p.5A.

"The 'Plant Closing' Bill Creates a New Set of Legal Restrictions", National Law Journal October 31, 1988 p.15.

Editorial, "U.S. Olympic Committee Not Law Unto Itself", The Atlanta Journal and Constitution October 5, 1988.

Article, "Employment Screening: Legal and Clinical Considerations", Work: A Journal of Prevention, Assessment & Rehabilitation, Volume 1, page 49, (Fall 1990)(with Sue Rhomberg, OTR).

Analysis, "Usury faces tough task in mediation", Rocky Mountain News, November 10, 1994.

Analysis, "Supreme Court Limits Usefulness of Federal Declaratory Judgments", Appellate Advocacy Committee Newsletter, Tort and Insurance Practice Section, American Bar Association, Volume 1995, Issue No. 5, page 17.

CONFERENCE PRESENTATIONS:

Annual Personnel Law Update of the Council on Education in Management, St. Louis, Missouri, May 6, 1987. Topic: Employer right to test for drugs.

Conference on "Discipline and Discharge Issues" sponsored by American Arbitration Association in St. Louis, June 26, 1987.

Heartland Labor and Employment Law Institute, Kansas City, Missouri, October 26, 1987. Topic: Recent employment developments in Kansas and Missouri.

Meeting of St. Louis Council of Construction Employers, December 4, 1987. Topic: Employer drug testing.

Annual Personnel Law Update of the Council on Education in Management, St. Louis, Missouri, May 10, 1988. Topic: Alternative dispute resolution.

Annual Personnel Law Update of the Council on Education in Management, St. Louis, Missouri, April 18, 1989. Topic: Employer drug testing.

CONFERENCE PRESENTATIONS: (continued)

Grievance processing workshop presented by American Arbitration Association, St. Louis, Missouri, May 12, 1989.

"Personnel Law Update 1989" presented by Council on Education in Management, St. Louis, Missouri, September 28, 1989. Topic: Employer drug testing.

"1989 Level III Bargaining Clinic", presented by Illinois Association of School Boards, Springfield, Illinois, October 17, 1989. Topic: Perspective of the Arbitrator.

"Labor and Employment Law: Issues for the General Practitioner", presented by MoBarCLE, St. Louis, May 17, 1991, Cape Girardeau, May 31, 1991. Topic: Employment and Labor Related Statutes.

"Grievance Processing", presented by American Arbitration Association, St. Louis, October 11, 1991. Topic: Grievance Mediation.

"Cumulative Trauma Disorder", presented by Washington University School of Medicine, St. Louis, October 18, 1991. Topic: Legal Perspectives.

"The Missouri Bar 1992 Employment Law Institute", presented by MoBarCLE, St. Louis, January 24, 1992. Topic: The Americans With Disabilities Act.

"Americans with Disabilities Act Workshop", presented by Washington University ADA Alliance, St. Louis, April 7, 1992. Topic: Undue Hardship and Direct Threat.

Address to Gravois Kiwanis Club, St. Louis, Missouri, October 21, 1992. Topic: The Americans with Disabilities Act.

"Grievance Processing", presented by American Arbitration Association, St. Louis, May 18, 1993. Topic: "How is the Arbitration Process Evolving?"

Midwinter Meeting, Insurance Coverage Litigation Committee, Tort and Insurance Practice Section, American Bar Association, San Diego, California, February 25, 1995. Topic: "Emerging Issues in Homeowners' Insurance: Sex, Drugs and Madness".

IRRA 1996 Spring National Meeting, St. Louis, Missouri, May 3, 1996. Topic: "Labor Law Update".

First International Underwriting Congress, Mexico City, Mexico, February 25, 1997. Topic: "Market Conduct: A Global Perspective".

CONFERENCE PRESENTATIONS: (continued)

Annual National Meeting, Society of Actuaries, Washington, D.C., October 28, 1997. Topic: "Perspectives on Various Distribution Channels."

Address to St. Louis Chapter, Crohn's & Colitis Foundation of America, January 27, 1999. Topic: "Recent Developments in Disability-Related Federal Legislation".

Labor Law Institute 2000, presented by Labor Arbitration Institute, St. Louis, Missouri, June 6, 2000. Topic: "Disciplining Employees".

Oxford Employment Discrimination Round Table, Oxford England, August 16, 2001. Topic: "The Rise and Fall of Age Discrimination Protection."

Conference on Labor Law and Labor Arbitration, presented by Labor Arbitration Institute, St. Louis, Missouri, October 11, 2002. Topic: "Discipline and Discharge Arbitration".

Conference on Labor Law and Labor Arbitration, presented by Labor Arbitration Institute, St. Louis, Missouri, June 14, 2005. Topic: "Evidence-Rules and Advice".

Washington University Law Alumni Lectures, Tokyo, Japan, June 17, 2005. Topic: "Protection of Rights of Individual Employees Under United States Law."

EXPERT TESTIMONY:

May, 1988 - Witness for plaintiff in Central States, etc. Pension Fund v. N.E. Friedmeyer-Sellmeyer Distributing Company (Case No. 84-1669 c(5), U.S. District Court, Eastern District of Missouri. Employed by Gino Battisti, 314/727-7676.

January 1991 - Witness for defendant in State v. Bowie, (Circuit Court, tried in Memphis, Missouri). Employed by Arthur Margulis, 314/721-6677.

March 1993 - Witness for defendant in Mechanicsville Bank v. Davis (U.S. District Court for the Northern District of Iowa). Employed by David L. Baker, 319/365-9200.

September 1993 - Witness for defendants in Roe v. Skinner (Third Judicial Circuit, Madison County Illinois). Employed by Neil Holmen, 312/558-5893.

DEPOSED BUT DID NOT TESTIFY:

January 1988 and May 1989 as expert witness for plaintiff in Lewis v. Aetna Casualty Co. (United States District Court for the Eastern District of Missouri). Employed by Larry Permuter, 314/726-1000.

DEPOSED BUT DID NOT TESTIFY:(continued)

March 1989 as expert witness for defendants in Insurance Corporation of America v. Risk Retention Service Corporation (United States District Court for the Southern District of Florida). Employed by Alan Gold, 305/667-0475.

April 1990 as expert witness for defendant in Gaines v. Monsanto Corporation (Circuit court for the City of St. Louis). Employed by Cliff Godiner, 314/444-6438.

March 1991 as expert witness for plaintiff in Hedrick Concrete Products Corporation v. Transcontinental Insurance Company (United States District Court for the Eastern District of Missouri). Employed by Joseph C. Blanton, Jr., 314/471-1000.

March 1992 as expert witness for defendants in Melahn v. Clarendon, (United States District Court for the Central District of California). Employed by Geoffry Best, 212/715-8235.

April 1995 as expert witness for defendant in Gray v. Clean-Tech (Circuit Court of the City of St. Louis, Missouri). Employed by John J. Mohan, 314/421-6168.

June 1995 as expert witness for plaintiff in Green v. Michigan Mutual Insurance Company (United States District Court, Eastern District of Missouri). Employed by Joseph C. Blanton, Jr., 314/471-1000.

September 1999 as expert witness for defendants in Travelers Casualty & Surety Co. v. Court House Plaza Limited Partnership (United States District Court for the District of Maryland). Employed by William Michael Mullen, 410/727-7740.